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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

W.H., as guardian for her minor daughter,
P.H.; W.H., individually; J.H., individually;
B.M., as guardian for her minor daughter,
S.A.; and B.M., individually,

Plaintiffs,

VS.

OLYMPIA SCHOOL DISTRICT, a public corporation; JENNIFER PRIDDY, individually; FREDERICK DAVID STANLEY, individually; BARBARA GREER, individually; WILLIAM V. LAHMANN, individually, DOMINIC G. CVITANICH, individually,

Defendants.

NO. 3:16-cv-5273

COMPLAINT FOR DAMAGES

Demand for Jury Trial

COMES NOW Plaintiffs, by and through their attorneys Darrell L. Cochran and Kevin M. Hastings, and the law firm of Pfau Cochran Vertetis Amala PLLC, to bring a cause of action against the defendants, and allege the following:

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I. INTRODUCTION

1. In August of 2005, the Olympia School District (the “District”) hired a man named Gary Shafer to be a new bus driver. He was 26 years old, unmarried, no children, and no experience in bus driving, but he proclaimed his “love of children” as a sound basis for his employment. The District Transportation Director at the time, Fred Stanley, conducted an interview of less than thirty minutes, made no reference checks, made no checks with past employers, made no initial criminal checks but hired him nonetheless.

2. The position of bus driver in the District calls for a bus driver to spend hours alone with the school children, including many children who are as young as four and in their formative years of communicating thoughts and events. Shafer is now in prison for molesting school girls who were the youngest and most vulnerable at the District. Shafer has admitted to sexually molesting at least 30 District children and will neither "admit nor deny" his victim count could be 75 children or more.

3. Between 2005 and 2011, the District knowingly allowed its employee Gary Shafer to climb aboard hundreds of midday bus routes for pre-kindergarten, kindergarten, and special needs children in the district, and then “ride along” with girl passengers. As another district driver drove the school bus, Shafer was allowed to ride along on buses that transported the District’s most vulnerable students. The District has repeatedly confirmed that it never had a reason to distrust a bus driver’s motivation for devoting unusual attention to small girls on buses and did not care why Shafer wanted to ride along with the girls on those buses.

4. The District had no legitimate purpose for allowing Shafer to ride along and sit with these vulnerable girls: They did not pay Shafer to carry out work assignments on the buses, they did not assign any tasks for which he could legitimately volunteered, they did not track the



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1 times, dates or buses in which he rode along, nor did they ever question Shafer or the drivers
2 about what Shafer had been doing on the buses with these young girls. Shafer was an unmarried,
3 twenty-six year old man without children of his own who started spending all of his free time
4 riding along on school buses without pay so he could interact with four and five year old girls,
5 including special needs students with learning or speech delays.
6

7 5. The District and its administrators were deliberately indifferent in their disregard
8 for what Shafer was doing with the girls on the buses. The District knowingly allowed Shafer
9 unfettered access to identify helpless girls, then to groom and sexually molest kindergarten,
10 pre-kindergarten, and special needs children while they were riding to and from school on the
11 midday bus. A number of bus drivers in the District knew Shafer was sitting with the young
12 girls, giggling with the girls, tickling the girls, and violating long standing industry and common
13 sense codes of conduct for bus drivers and small girls on buses.
14

15 6. The District and its administrators decided against putting in place policies and
16 procedures to ensure that only those assigned to drive the bus were on the bus, which directly
17 caused an unreasonable danger of Shafer. Compounding the matter, the former Transportation
18 Director Fred Stanley and Former Transportation Training Coordinator Barbara Greer
19 knowingly allowed Shafer to ride along on whatever bus he wanted, regardless of whether he
20 had an educational purpose to be there. Stanley and Greer ignored challenges to whether Shafer
21 should be riding along on the buses and also ignored concerns that Shafer had begun changing
22 his own bus routes at an alarming pace, alarming for the potential Shafer was changing routes
23 because of confrontation with students he had been grooming and molesting on his own
24 assigned routes.
25

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1 7. The District's acts and omissions demonstrate a deliberate indifference to the
 2 rights of the children riding on those school buses. At the time of Shafer's employ, the District
 3 knew based on longstanding literature that child molestation was a major threat to students. By
 4 March 17, 2010, the District was even given a presentation by its risk management company,
 5 Canfield, showing that bus drivers constituted 12 percent of the total number of sexual
 6 assaulters within the school context – a shocking number given the relatively small number of
 7 bus drivers compared to teachers and administrators.

8 8. The District and its administrators ignored the literature and statistics that
 9 children, particularly on buses, were at risk of being sexually abused. The District and its
 10 administrators also ignored glaring red flags that Shafer was harming children, including, notice
 11 from a concerned parent that a bus being driven by Shafer was over 30 minutes late and his
 12 daughter came home refusing to ride the bus; notice from drivers that Shafer would pullover
 13 his bus for no reason during the middle of routes; notice that he would sit on buses with children
 14 in his lap; notice that he was constantly changing bus routes; and notice that he was watching
 15 pornography in the breakroom. The District's misconduct as alleged in this complaint was done
 16 in deliberate indifference to the safety and well-being of children.

17 9. In December 2010, a kindergarten girl disclosed to her mother that "Gary," the
 18 man who rode along with her regular driver, Mario Paz, sexually assaulted her. A police
 19 investigation confirmed that Gary was Olympia School District bus driver, Gary Shafer. The
 20 police investigation lead to another victim and by January 19, 2011, Shafer had both confessed
 21 to sexually assaulting young girls on buses and resigned from the District. Shafer was arrested
 22 on two counts of child molestation on January 27, 2011. Gary Shafer decided that he wanted to
 23 seek a special first time offender sentence and submitted to a psychological evaluation in March
 24

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1 2011. After failing multiple polygraph examinations, Shafer admitted during the course of his
 2 psychosexual evaluation that he had sexually molested dozens of young girls in the Olympia
 3 School District while either riding along on or driving their buses. Shafer gave some
 4 descriptions of girls and even some distinctive names.

5 10. Thurston County Sheriff's Detective Cheryl Stines met with Olympia School
 6 District administrators, including Superintendent William Lahmann and Assistant
 7 Superintendent Jennifer Priddy to advise the District about the confessions by Shafer and to
 8 provide specific information from the polygraph admissions. Detective Stines had already made
 9 specific and separate arrangements to interview a young kindergarten girl from Garfield
 10 Elementary School and Superintendent Lahmann and Assistant Superintendent Priddy asked to
 11 speak with Detective Stines as a result.

12 11. Despite receiving information about the high number of young and vulnerable
 13 school district girls molested by Shafer, Superintendent Lahmann and Assistant Superintendent
 14 Priddy chose to do nothing to identify victims of Shafer's abuse, nothing to search the
 15 descriptors and unique names of district victims confessed by Shafer, nothing to provide
 16 assistance to the sexually assaulted girls in their custody and control.

17 12. The District and its administrators created by its deliberate indifference to the
 18 safety and wellbeing of children, caused scores of children to suffer sexual abuse at the hands
 19 of Gary Shafer. This complaint seeks redress for one of those victims, D.H., and her parents
 20 K.H and G.H.

21 **II. PARTIES**

22 13. Plaintiff P.H. Plaintiff P.H. is a minor sexual abuse victim. At all relevant times,
 23 P.H. was a resident of Thurston County, Washington.

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1 14. Plaintiff W.H. W.H. is the legal guardian and mother of Plaintiff P.H. At all
2 relevant times, W.H. was a resident of Thurston County, Washington.

3 15. Plaintiff J.H. J.H. is the legal guardian and father of Plaintiff P.H. At all relevant
4 times, J.H. was a resident of Thurston County, Washington.

5 16. Plaintiff S.A. Plaintiff S.A. is a minor sexual abuse victim. At all relevant times,
6 S.A. was a resident of Thurston County, Washington.

7 17. Plaintiff B.M. B.M. is the legal guardian and mother of Plaintiff S.A. At all
8 relevant times, B.M. was a resident of Thurston County, Washington.

9 18. Defendant Olympia School District. Defendant Olympia School District (the
10 “District”) is a public corporation organized under the laws of the State of Washington and is
11 authorized to be sued in such corporate capacity for its acts and those of its agents and
12 employees. The District has its primary place of business in Thurston County, Washington, and
13 is subject to the provisions of Title 28A of the Revised Code of Washington. At all times
14 material, the District operated, and otherwise exercised control over, the public schools within
15 the District, for the benefit of the school-aged children residing in Olympia School District. The
16 District is responsible for all conduct of its agents and employees with respect to the attendance
17 of P.H. and A.S. at school in the District and as a bus passenger. At all relevant times, the
18 District had supervision and control of P.H. and A.S. in loco parentis.

19 19. Jennifer Priddy. Defendant Jennifer Priddy was at all relevant times the assistant
20 superintendent of the Olympia School District and is sued here in her individual and official
21 capacity. While serving as the District’s Assistant Superintendent, Defendant Priddy was also
22 acting as the director of the Schools Insurance Association of Washington (“SIAW”), the risk
23 pool that assigned the defense lawyers and claims handling services to the District, including

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1 advice to defend against all claims made against the District arising out of Shafer's
2 molestations. It was during her time as both Assistant Superintendent and board member of
3 SIAW that Defendant Priddy knew about and was in control of information showing that P.H.
4 and S.A. were victims of Shafer's sexual abuse. For years, Defendant Priddy purposefully
5 withheld this critical information from law enforcement and the parents of P.H. and S.A.
6 Defendant Priddy is being sued in her individual capacity for her actions under color of state
7 law.

9 20. Frederick David Stanley. Defendant Fred Stanley was the District's former
10 Transportation Director during all relevant times and is sued here in his individual and official
11 capacity. Defendant Stanley is being sued in his individual capacity for his actions under color
12 of state law.

14 21. Barbara Greer. Barbara Greer was the District's former Training Director during
15 all related times, a responsibility that included dispatching for special needs transportation
16 routes. Defendant Greer is being sued in her individual capacity for her actions under color of
17 state law.

18 22. William V. Lahmann. Defendant William V. Lahmann was the District's former
19 Superintendent during the 2001 to June 2012 time period. Defendant Lahmann is being sued
20 in his individual capacity for his actions under color of state law.

22 23. Dominic G. Cvitanich. Defendant Dominic Cvitanich has been the District's
23 Superintendent from July 2012 to present. Defendant Cvitanich is being sued in his individual
24 capacity for his actions under color of state law.

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III. JURISDICTION AND VENUE

24. Jurisdiction. Subject matter jurisdiction is predicated on federal question jurisdiction (28 U.S.C. §1331 and § 1343) due to claims under 42 U.S.C. §1983, and supplemental jurisdiction under 28 USC §1337.

25. Venue. Venue is proper in this district under 28 U.S.C. § 1391(b), since all defendants reside or resided in this district and the events giving rise to the claims occurred in this district, in Thurston County.

IV. FACTS

26. Facts; Hiring of Shafer and Deliberate Indifference to Child Safety. In August-September 2005, the District, through its agents Stanley and Greer, conducted a 30 minute interview of Shafer and hired him later that day without checking references or past employers. Shafer's past employers included a security company, where he was caught with pornography on his work computer, and the United States Marine Corps, where he was dishonorably discharged for lying. During his interview, he said that he would make a good bus driver because he "love[s] [] children" and because he "like[s] being around kids." His goal was to "get to know the kids." When asked whether he was prepared to accept the responsibility for the lives of the students on the bus, he said, "yes, kind of scary." The District and its agents, including Defendants Stanley and Greer, then allowed Shafer to drive school buses alone on several occasions before his background check was cleared, done with deliberate indifference to the safety and welfare of children and done in direct violation of Washington law.

27. Facts; Danger Creation and the Deliberate Indifference of Transportation Director Fred Stanley. Beginning right away, Shafer asked former Transportation Director Fred Stanley whether he could volunteer to ride along with other drivers on their midday

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1 kindergarten, pre-kindergarten, and special needs routes because he liked being around the kids
 2 so much, especially the District's most vulnerable. Stanley gave Shafer permission to ride
 3 along, and then by permission and acquiescing, gave Shafer complete authorization for his ride
 4 alongs, later claiming that he never had reason to distrust Shafer's motivations for wanting to
 5 ride along with the vulnerable children. Under Stanley's blanket permission, Shafer was able
 6 to ride along on hundreds of school buses whenever and wherever he wanted. Stanley never
 7 assigned Shafer to these rides, never checked on what he was doing on these rides, never kept
 8 track of how often or with whom he was riding, and never spoke to any driver about what Shafer
 9 was doing during these ride alongs. Furthermore, Shafer was never paid for his hundreds of ride
 10 alongs or for helping to manage the kindergarten, pre-kindergarten, and special needs
 11 passengers; instead, the Stanley allowed Shafer to do it because he was deliberately indifferent
 12 to the danger he created in doing.
 13

14 28. Facts; Danger Creation and the Deliberate Indifference of Transportation
 15 Director Fred Stanley and the District. Former Transportation Director Fred Stanley admitted
 16 that Shafer was not supposed to be on buses without specific authorization from him and an
 17 educational purpose, and yet he did not institute any controls, create any policies, or enforce
 18 any existing rule to ensure that Shafer was not riding along on kindergarten, pre-kindergarten,
 19 and special needs routes without authority and an educational purpose. As he has previously
 20 testified:
 21

22 Q Right. Did you express clearly, to all of the drivers in the Olympia School
 23 District transportation department, that they should not allow a grown
 24 man, whether he was an employee or not, get on the bus without express
 25 authorization and an educational purpose for being on the bus?

26 A I would say maybe no, because it was happening.

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1 Q And in that way, your training, policies, and practices, failed to control
2 Gary Shafer, right?

3 A Yeah. In looking back on it, probably, yes.

4 Q At the time you should have been looking at that, right?

5 A Well, I had no reason to be looking at it.
6 * * *

7 Q Did you create a policy, after Gary Shafer started riding around on buses,
8 to let drivers know that he had to have authorization and an educational
9 purpose to be on their buses in the midday?

10 A No.
11

12 29. Facts; Danger Creation and the Deliberate Indifference of Transportation
13 Director Fred Stanley and the District. In addition to never creating a policy, Fred Stanley did
14 not do anything to see what Gary Shafer was doing on the dozens of buses he was riding around
15 on. As he testified:
16

17 Q With respect to the ride-alongs that he was doing in each and every year,
18 2005-2006 and every year leading up to his suspension in January of
19 2011, what did you do to check in to see what Gary Shafer was doing all
20 those times that he was riding along on these midday kindergarten, pre-
21 K, and special needs buses?

22 A Nothing.
23 * * *

24 Q For example, did you ask them whether he was sitting with kindergarten
25 girls on the bus?

26 A No.

Q Did you ask him whether he was sitting in the front right passenger's seat
by himself?

A No.

Q Did you ask them if he was tickling them on the seats?

A No.

Q Did you ask if he was sharing jokes on his phones with the kindergarten
girls?

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1 A No.

2 Q Did you ask him if he was really serving in a purpose in being on the bus
3 other than just to be there?

4 A No.

5 Q Because, ultimately, you didn't care about the reason he was on the bus,
6 right?

7 A No.

8 30. Facts; Deliberate Indifference of Transportation Director Fred Stanley. Stanley
9 has repeatedly testified that he had "no reason to be looking" at what Shafer was doing because
10 he "trusted" all of his drivers for having passed a background check. Stanley deliberately
11 ignored the potential danger presented by his driver's conduct even though he knew that drivers
12 had historically engaged in inappropriate behavior, including sexual harassment and physical
13 abuse. Stanley's practice in knowingly allowing Shafer to ride along on school buses for no
14 reason and without an educational purpose was done in complete disregard for the known and
15 obvious consequence that Shafer would abuse children.

16 31. Facts; Shafer's Grooming Tactics to Identify Children Victims and the District's
17 Danger Creation and Deliberate Indifference. In an effort to coordinate his access to young
18 girls, Shafer used several tactics. He would use the ride alongs to identify his targets among the
19 kindergarten, pre-route or keep riding along with his victims on buses being driven by other
20 drivers who would allow him as an unauthorized guest. Shafer frequently and often abruptly
21 changed his driving assignments, either looking for victims or escaping potential problems he
22 created by molesting children on his buses. In total, he switched routes a record 18 times over
23 five-and-one-half years, including one abrupt change asking for a route change and then
24 announcing he was leaving for a trucking job. Compared to other divers, who would change
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1 routes at most a few times over decades, Shafer's pattern of changing routes was an obvious red
 2 flag. Shafer would sexually abuse girls, including P.H. and S.A., while riding along with another
 3 driver without an official purpose, or he would sexually abuse them by pulling the bus over or
 4 arriving at stops early so that he would have down time with the girls. He took full advantage of
 5 Defendant Stanley's "open door" ride along policy that directly created the danger of allowing
 6 him to access the young girls on other drivers' kindergarten, pre-kindergarten, and special needs
 7 routes.

9 32. Facts; Notice, Red Flags, and the District's Danger Creation and Deliberate
 10 Indifference. Shafer had been driving his assigned route when, in November 2006, he suddenly
 11 put in for a route change and then announced that he would be leaving for a higher-paying job
 12 as a long-haul trucker. He told many bus drivers that he was having financial problems and
 13 needed more money. The reality was that he abruptly changed from a special needs bus route
 14 because over concerns over getting caught for sexual abuse. Even though he successfully
 15 completed the trucking program at the top of his class, Shafer left the trucking work
 16 immediately and returned to the bus barn to work part-time for the District. In Shafer's own
 17 words, "I was going to be doing long haul truck driving starting last winter but I decided not to
 18 for various reasons even though it would have been a lot of money."

20 33. Facts; Notice, Red Flags, and the District's Danger Creation and Deliberate
 21 Indifference. When confronted by a fellow bus driver about why he left his long haul trucking
 22 job despite his money woes, Shafer told his co-workers that he returned as a part-time school
 23 bus driver because he missed contact with children. From this incident and others, Shafer's
 24 fellow bus drivers found him very strange and unusually interested in children. He was being
 25 described as "odd" by at least one school counselor and was reportedly observed viewing child

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1 pornography on a bus barn computer by a fellow driver. Shafer has also admitted and has been
 2 seen by other bus drivers pulling his bus over to the side of the road or in parking lots for no
 3 apparent reason. At least one driver raised concerns with the administrative office about Shafer
 4 being parked for no apparent reason during a route. Even Fred Stanley himself has admitted
 5 that he confronted Shafer about pulling over his buses for no reason.
 6

7 34. Facts; Notice, Red Flags, and the District's Danger Creation and Deliberate
 8 Indifference. In 2008, it is understood that a kindergarten boy went home one day after school
 9 and told his mother that the school bus driver was making farting noises, tickling he and another
 10 student, and otherwise horsing around with them while on the bus. The boy told his mother
 11 that the driver pulled over the school bus to engage in these activities and that they were the
 12 last two on the bus. The mother was concerned about the bus driver's behavior and conduct.
 13 A short while later, the boy said that the same bus driver again pulled stopped the bus and was
 14 horsing around with he and another kindergarten aged boy. At this point, it is understood that
 15 the concerned mother called the District Transportation Department and told them about the
 16 bus driver's inappropriate behavior while driving her son to and from school. The bus driver
 17 was Gay Shafer. The District and its agents did nothing.
 18

19 35. Facts; Notice, Red Flags, and the District's Danger Creation and Deliberate
 20 Indifference. In the fall of 2009, McLane Elementary School bus driver Karen Nelson became
 21 ill and the District used sub drivers to cover the route. Shafer began targeting kindergarten girls
 22 for abuse on the route by riding along with various sub drivers. He also drove the bus as a
 23 substitute bus driver. On one occasion that he was driving, Shafer dropped off a young girl who
 24 as so shaken by the experience that she told her dad, Kevin Gearheart, that she never wanted to
 25 ride the bus again.
 26

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1 36. Facts; Notice, Red Flags, and the District's Danger Creation and Deliberate
 2 Indifference. Mr. Gearheart called the District Transportation Department about concerns that
 3 a male substitute driver was dropping his kindergarten daughter off alone, a half-hour late, and
 4 so traumatized that she refused to ride the bus any longer. Despite the father's deep concerns
 5 and repeated calls, the District downplayed any potential for wrongdoing and performed no
 6 investigation; it simply reiterated that all bus drivers receive background checks, and therefore,
 7 there was no need to do anything further. Tragically, after Shafer's molestation surfaced in
 8 2011, Mr. Gearheart immediately recognized Shafer's face as the driver who had left his
 9 daughter traumatized from the bus. He confronted the District about Shafer's presence on the
 10 bus, but the District lied and said that Shafer never drove that bus.

12 37. Facts; Red Flags and the District's Danger Creation and Deliberate Indifference.
 13 District employees discussed these "red flags" but nothing was done to monitor or investigate
 14 Shafer. By ignoring evidence that Shafer was acting inappropriately, including actual reports
 15 that Shafer was inappropriately touching and otherwise engaging in peer-to-peer activities with
 16 children on the school bus, commonly known as sexual grooming, as well as ignoring evidence
 17 of Shafer's obsessive fixation on routes for kindergarten, pre-kindergarten, and special needs
 18 children, the District acted with deliberate indifference toward the safety of children in its
 19 custody and control, including Plaintiffs P.H. and S.A., and interfered with their education.

22 38. Facts; Sexual Abuse of N.L. In late December 2010, the Thurston County
 23 Sheriff's Department received a report that Olympia School District bus driver Gary D. Shafer
 24 sexually assaulted a kindergarten girl named N.L. on a bus driven by fellow bus driver Mario
 25 Paz. Shafer was riding along with Paz to "learn the route" and had the kindergarten girl in his

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1 lap while seated behind the driver. Shafer sexually abused N.L. while she was in his lap, and
 2 N.L. disclosed the abuse to her mother, who in turn contacted the District.

3 39. Facts; Shafer's Admitted to Molesting Scores of Children at the District. In or
 4 around March 21, 2011, Shafer was hoping to obtain a reduced criminal sentence through
 5 Washington's Sex Offender Special Sentencing Alternative ("SOSSA"). As required by
 6 SOSSA, Shafer had to submit to a psychosexual evaluation, where he needed to admit to his
 7 past sexual deviancies and then take a polygraph. During this evaluation, he admitted to
 8 sexually abusing literally dozens of little girls while they were riding to and from school on the
 9 bus; Shafer identified some of his minor victims by their full name, some by a physical
 10 description, and some by their first name; Shafer admitted to targeting kindergarten, pre-
 11 kindergarten, and special needs bus routes since the start of his employment with the District;
 12 Shafer admitted to regularly spending unpaid free time riding along on others' buses to groom
 13 and assault children and no one from the District ever confronted him or prevented him from
 14 accessing children in this fashion; Shafer admitted to pulling his own buses to the side of the
 15 road to molest young girls on his bus; Shafer admitted to detaining young girls in his bus after
 16 arriving to destinations early; Shafer admitted to accessing pornography on the District bus
 17 barn's computers on a regular basis without the District ever tracking, logging, or confronting
 18 him about it; Shafer admitted to masturbating in the bus barn and on the busses; and finally,
 19 Shafer admitted to photographing, videotaping, and sexually assaulting up to 30 young District
 20 students while working in his capacity as an Olympia School District bus driver.
 21
 22

23 40. Facts; Shafer Admitted to Abusing P.H. and S.A. During His Psychosexual
 24 Examination. Shafer also admitted to his psychosexual evaluator, Sue Batson, that he sexually
 25 molested a girl with the first name of [P.]. Shafer also admitted that he sexually molested a girl
 26

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1 with the first name of [S.] when he was 27 years old. He further identified [S.] as a girl who
 2 was 5-6 years old.

3 41. Facts; Jennifer Priddy Has Had the Batson Psychosexual Report Since 2011. The
 4 District's Assistant Superintendent of Fiscal Operations, Jennifer Priddy, who is named
 5 individually as a defendant in this lawsuit, is also a board member at large for the District's
 6 insurance risk pool, known as SIAW. Since the beginning of the discovery of Shafer's abuse,
 7 Defendant Priddy has been intimately involved with the civil litigation arising out of the
 8 District's failure to protect its students from Shafer's abuse. She has regularly communicated
 9 with the District's attorneys over the past several years with regard to the civil litigation, even
 10 attending the first trial in this sex abuse civil litigation series known as *Gutierrez v. Olympia*
 11 *Sch. Dist.*, a case that was filed in Thurston County on behalf of N.L.
 12

13 42. Facts; Defendants Acted With Deliberate Indifference to the Rights of P.H. and
 14 S.A. and Made No Effort Notify Their Parents of the Abuse. As early as March 21, 2011,
 15 Plaintiffs P.H. and S.A. were identified by their first names as being victims of Shafer's abuse
 16 in his psychosexual report. Not only are their first names sufficiently unique so as to rule out
 17 many other students, the same March 21 report provided other critical facts—such as ages and
 18 other dates—that was enough for Defendant Priddy and others, including Lahmann and
 19 Cvitanich, to identify P.H. and S.A. Despite having access to the information sufficient to
 20 identify P.H. and S.A. as victims of Shafer's molestation, Priddy and the District, including
 21 Lahmann and Cvitanich, failed to timely and adequately disclose the information to their
 22 parents, W.H. and B.M., respectively, done in deliberate indifference to their rights.
 23 Defendants' clear motive was to shield SIAW from additional sexual abuse insurance claims;
 24 in doing so, Defendants Priddy, Lahmann, and Cvitanich knowingly took steps to obstruct,

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1 obscure, delay, and even withhold information from the parents of known sexual abuse victims,
 2 including the Plaintiffs here. Not only was this failure to report done in violation of the U.S.
 3 Constitution and Washington law, the result was also to unreasonably interfere with Plaintiff
 4 P.H. and S.A.'s educational opportunities, as these children were forced to continue suffering
 5 from the effects of childhood sexual abuse, without treatment, while trying to attend a school
 6 where the administrators did nothing to help them to avoid financial exposure.

7 43. Facts; Defendant Priddy Admitted to Making No Effort to Identify Sex Abuse
 8 Victims that Shafer Identified In March 2011. On April 17, 2012, Priddy gave sworn deposition
 9 testimony where she admitted to making no effort to identify other Shafer victims for up to at
 10 least a year after he identified them in the psychosexual report:

12 Q [W]as there a point at which the district decided it would reach out to
 13 parents and let them know about the danger that Shafer presented?

14 A We did not send a blanket e-mail or letter to parents, so I think in the way
 15 that you're phrasing your question, I would say no.

16 Q How about in a more directed fashion? Was there any parent that the
 17 district notified about the danger Shafer presented to their child?

18 A No. The investigation was still ongoing.

19 Q I'm talking about afterwards.

20 A Is the investigation complete? I –

21 Q He's in the can for 15 years, so I'd like to think most people consider it
 22 closed.

23 A [. . .] We viewed it as the sheriff's responsibility, and the sheriff – we
 24 are going to assist the sheriff in any way we could.

25 Q My question, though, is: Did the District take any steps to notify
 26 parents about the danger that Shafer presented to their child?

27 A Okay. So we don't know which parents we would contact. We have
 28 not received a list of potential – you know, we do not have a – kind of a
 29 list from the sheriff's office of who we would contact.

30 Q What about children that would be on Shafer's bus alone? Have you
 31 notified parents that have children that were in that situation?

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1 A No. I don't think we know what parents to notify that were in buses alone
2 with Shafer on occasion?

3 Q What steps has the district taken to identify those parents who had kids
4 that were in buses alone with Shafer on occasion?

5 A We have not notified any parents that we – we have not notified any
6 parents.

7 Q My question is a little different.

8 A Okay.

9 Q What steps did the district take to identify parents who had children that
10 might have been alone with Gary Shafer on the bus?

11 A I don't believe that we have identified children that might have been
12 alone on a bus with Gary Shafer.

13 Q I'm trying to understand what steps the district has taken to try to
14 identify those parents whose children may have been alone on the bus
15 with Shafer.

16 * * *

17 A I don't think that we have been asked to identify, and so we have not,
18 and I don't know how we would.

19 Q [. . .] My question is: What steps has the district taken to identify
20 parents whose children might have been alone with Gary Shafer on the
21 bus.

22 * * *

23 A I think I've answered the question. We have not identified parents and
24 children who might have been alone with Gary Shafer. We do not know
25 how we would identify that.

26 Q I just gave a good example of how to do that, which is to look at the
27 routes. Has the district looked at the routes to try to understand whether
28 Shafer had isolated particular vulnerable children?

29 * * *

30 A We have answered questions about what routes he has driven. We have
31 not, to my knowledge, looked at routes and the timing of the route to
32 understand if a child could have been alone. There are so many factors
33 that would – that would make the information impossible to obtain.

34 Q Is the insurance deductible part of what would be a factor prohibiting
35 you from being able to do that?

36 * * *

37 A An insurance deductible does not enter into this at all.

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Q So then let's explore the other reasons why the district hasn't gone about trying to identify students who might have been isolated by Gary Shafer. [...] Has the district taken steps to analyze the bus routes that Gary Shafer was selecting, to figure out what students may have been on those buses and were exposed to Shafer and the dangers that he presented?

* * *

A We do not – on bus routes, my understanding is, we do not have a full listing of every child that is assigned to the route.

* * *

Q The questions, though, that I'm asking right now, are directed at the district, which has the responsibility to protect children who attend schools in the district and who were exposed to Gary Shafer. And my question to you is: Has the district analyzed Gary Shafer's bus routes to figure out who might have been isolated by Gary Shafer?

A My understanding is that the bus route information is not complete, and, therefore, you could not identify who might have been isolated.

44. Facts; Defendants Ignored Shafer's Admissions and Made No Effort to Contact

the Parents of P.H. and S.A. Even Though They Were Clearly Identified as Early as March 2011. Contrary to this sworn testimony, Defendant Priddy and her chain of command, including Defendants Lahmann and Cvitanich, knew which children were on its school buses. They also knew from Gary Shafer's admissions during his psychosexual examination that he identified P.H. and S.A. by first name as well as by other circumstantial evidence, including their age. In a complete disregard for the wellbeing of P.H. and S.A., Defendants refused to disclose and otherwise withheld critical information to their parents. As both a SIAW board of director and the District's liaison for the Gary Shafer sexual abuse litigation, Defendant Priddy had a known conflict of interest and a motive to shield SIAW from further claims arising out of Shafer's sexual abuse.

45. Facts; Defendant Priddy was Referred to Law Enforcement for Her Failure to Report Known Sexual Abuse. During the summer of 2013, Defendant Priddy was referred to

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the Office of Superintendent of Public Instruction (“OSPI”) and to the Thurston County law enforcement for her failure to report the known sexual abuse of P.H. and S.A. as required by Washington law. In response to this referral—over two years after the psychosexual report—Defendant Priddy finally provided law enforcement with the names of other Shafer abuse victims, including P.H. and S.A. This was the first time Defendant Priddy ever took any affirmative steps to make the referrals of sexual abuse to law enforcement for these two minor Plaintiffs. A few months later, On October 2, 2013, Defendant Priddy again gave deposition testimony, where she testified:

Q Are you aware of any efforts by the district to identify girls who may have been harmed by Gary Shafer outside of the three for whom there have been convictions?

A Yes, I do.

Q Tell us about that.

A So early on in the case, Sergeant Stine [sic] was – asked us about how to identify, I think, two or three girls, and we helped her identify those girls, and she was investigating the case and the possibility of them having been harmed. And then recently we have been working with another detective to identify two more girls.

Q [S.A.] and [P.H.], no doubt; right?

A Yes.

Q And who is the detective you were working with?

A Detective Ivanovich.

Q And have you identified [S.A.]?

* * *

A [S.A] went to Madison Elementary School, L.P. Brown Elementary School, and Garfield Elementary School.

* * *

And so I called him to let [Detective Ivanovich] know that there were possible additional victims that hadn't been identified. And so I gave him Gary Shafer's July deposition and then began searching our student records.

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1 Q Did you know, from our deposition back last April, these are the same
2 girls that I was talking with you about then? Why didn't you take some
3 steps prior to this summer to reach out and identify girls and notify the
4 two girls, [P.H.] and [S.A.].

5 A Well, this information [Shafer's deposition] was more specific on these
6 two girls, [P.H.] and [S.A.].

7 Q Is the same information Gary Shafer provided in the Batson
8 [psychosexual] report – which you and the district had access to last year;
9 right?

10 A Which – yes. Well, I don't know if it's same or not. All I know is that in
11 this deposition I had enough to go on, rather than just names, and I don't
12 know if it was the same in Sue Baston's [sic] report or not.

13 Q It is [S.A.] and [P.H.]. So what information more from Gary Shafer's
14 information did you get that prompted you to finally call the police?
15 * * *

16 A Well, Sue – is it Baston or –

17 Q Batson.

18 A Batson. Sergeant Stine was working with that report, and at the time we
19 were working with Sergeant Stine, so in this report, in this deposition, I
20 started working with Ivanovich. And so I wasn't kind of – Sergeant Stine
21 had completed her work, and we had responded to whatever questions
22 that she gave us to help. When I sent this deposition to Detective
23 Ivanovich then he and I talked about some clues to use to search for
24 [S.A.] and [P.H.].

25 Q And what were the clues that were different from what you had with Sue
26 Batson's report?

1 A Well, as I said, when Sue Batson's report was fresh and Sergeant Stine
2 was working with it, I was working at the request of Sergeant Stines, and
3 so I don't – I didn't – I don't have Sue Batson's report kind of committed
4 to memory. I can't do a comparison of the details. All I know is that,
5 when I had the [Shafer] deposition in July, I went to Detective Ivanovich.

6 Q When I asked you basically the same questions in April of 2012, it was
7 almost a year after Sergeant Stines had concluded her work and her
8 investigation to Gary Shafer.

9 A Mm-hm.

10 Q And so I provided you with [S.A.] and [P.H.]'s name then and asked the
11 question, "Aren't you concerned about the welfare of these children?"
12 So tell me what happened between April of 2012 and this summer [of
13 2013] when you finally picked up the phone to talk to Detective

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1 Ivanovich in terms of efforts by you and/or the district to reach out to the
2 girls who'd been molested by Gary Shafer or may have been molested
3 by Gary Shafer. So in other words, between April of 2012, when I was
4 asking you these questions –

5 A Right.

6 Q — under oath and this summer, when you finally reached out to
7 Detective Ivanovich, what efforts had anyone made by the District to
8 identify [S.A.], [P.H.], or any of the other girls who either were or may
9 have been molested by Gary Shafer?

10 A In—I believe in 2011 and 2012, we were working with Sergeant Stine,
11 and Sergeant Stine was directing us who to look for and what to look for
12 and what information she had.

13 Q I'm talking about April of 2012, which is a year after Sergeant Stines
14 was done.

15 A Okay. I – [. . .] I think that – I can't remember what you asked me in
16 2012. I am unclear some of those timelines, so I'll answer what I've done
17 now, and that is, give Detective Ivanovich the deposition and comb
18 through that deposition with Detective Ivanovich to identify what clues
19 there were for us to work on. I cannot remember the time frame, but I
20 can tell you we were working at Sergeant Stines' direction in the past.

21 Q Right. And when I deposed you last April, I pointed out that Sergeant
22 Stines had been done with her investigation for a year. And so I'm really
23 curious about whether you and the district did anything between April of
24 2012 and, say, June of 2013 to locate and assist girls who may have been
25 molested by Shafer.

26 A I can't recall the time frames, so not going to be able to answer further.

Q And the truth is that you only called Detective Ivanovich because I put
the district between a rock and a hard place by sending the letter
identifying the information and pointing out that the school district had
done nothing to help find these people; right?

A I disagree.

* * *

A I disagree.

Q Well, that information were you able to give Detective Ivanovich that
helped either identify or initiate the investigation into the abuse of
[S.A.]?

A We were able to give him [S.A.'s] name.

* * *

Q Have you spoken with [S.A.'s] parents?

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1 A No.

2 Q Has anyone from the district contacted [S.A.'s] parents?

3 A No.

4 46. Facts; Danger Creation and the Deliberate Indifference Toward the Children on
5 School Buses. Despite clear evidence of Shafer's widespread sexual abuse on school buses, the
6 District has continuously denied any responsibility, asserting that it had no reason to distrust
7 any of its bus drivers. The District's former Transportation Director, Fred Stanley, recently
8 claimed that “[t]here's no reason for a bus driver not to sit with children. . . . We hire good
9 people and everybody has been background checked and we have no reason not to trust our
10 employees.” This alarming attitude was the milieu that allowed Shafer unlimited access to
11 abuse scores of children on school buses. This attitude disregarded known red flags with
12 Shafer, known literature on the risks that sexual molesters are among the ranks of bus drivers,
13 and ultimately, the known or obvious consequence that Shafer would abuse children given the
14 opportunities created. The resulting harm as complained of in this complaint was due for no
15 other reason than the affirmative danger that Defendants created in this lawsuit by knowingly
16 allowing Shafer to have unlimited access to ride alongs and other opportunities to sexually
17 groom and molest children.
18

19 47. Facts; Deliberate Indifference to the Welfare of Children. When the factual
20 verifications of Shafer's molestations began circulating, and people began to push for answers
21 as to how it all happened Transportation Department Director Fred Stanley refused to entertain
22 the possibility that Shafer would have molested the children and sent a chilling threat to the bus
23 drivers:
24

25 These rumors [about Shafer] are slanderous and the people spreading them could
26 and I feel should be charged with a crime and prosecuted to the fullest extent of
the law. If you are one of those spreading this information and I hear it, I will

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1 report it to the proper authorities and I want to encourage those that have told
 2 me they are highly offended by this kind of behavior to do the same.

3 48. Facts; Danger Creation, Deliberate Indifference, and Giving Shafer

4 Unrestricted Access to Molest Children. The District's former Transportation Training
 5 Coordinator, Barbara Greer, endorsed Stanley's statements. She stated that the District has not
 6 adopted a policy regarding where male bus drivers riding along must sit alone because "we trust
 7 our drivers, and we trust their judgment." Greer added, "[after the arrest hit the news] our role
 8 was to be supportive of . . . the drivers because we knew that the drivers were going to be very
 9 upset." When asked whether common sense would have advised bus drivers to be mindful of
 10 obvious signs of grooming and risky situations, Greer replied, "I don't deal in common sense,
 11 sir."

12 49. Facts; Danger Creation, Deliberate Indifference, and Giving Shafer

13 Unrestricted Access to Molest Children. Former District Superintendent William Lahmann,
 14 the official ultimately responsible for the safety of the children at the time of the abuse, also
 15 admitted to blind and unsupported faith in the District's entire group of bus drivers, even if at
 16 the expense of children. When challenged whether bus driver Mario Paz acted appropriately in
 17 a situation where multiple girls on his bus were sexually assaulted by his friend Shafer in the
 18 seat immediately behind his, Lahmann responded, "I don't know what he did or didn't do, so
 19 my belief is that he was acting responsibly. I haven't heard otherwise. . . . I make the assumption
 20 that he acted properly."

21 50. Facts; Danger Creation and the Deliberate Indifference of Defendant Lahmann

22 and Defendant Greer. Former Superintendent Lahmann and former Transportation Coordinator
 23 Greer were complicit in Stanley's decision to allow Shafer unrestricted and unmonitored access
 24 to ride alongs. Lahmann has previously provided sworn testimony that there was no reason not

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1 to allow Shafer unrestricted an unmonitored access. Greer previously testified that there was no
 2 reason to distrust Shafer. Their complicity created a perilous situation for P.H. and S.A. and
 3 was done in disregard to the known or obvious consequence that Shafer would sexually groom
 4 and molest them.

5 51. Facts; Creation of Danger, Deliberate Indifference, and Lack of Training. The
 6 District, Stanley, Greer, and Lahmann failed to properly train its employees on how to recognize
 7 obvious signs that Shafer was using school buses to molest young vulnerable girls. In 2006, the
 8 Washington Office of Superintendent of Public Instruction distributed a statewide publication
 9 entitled “What every employee must be told in school districts,” a publication concerning the
 10 warning signs of sexual grooming of children. District bus drivers did not receive training on
 11 this publication or the information contained within it.

12 52. Facts; Creation of Danger, Deliberate Indifference, and Lack of Training. Later,
 13 in the spring of 2010, the school year before Shafer was arrested for his molestations, the
 14 District’s superintendent, Defendant Lahmann, and other District administrative-level
 15 personnel received professional boundaries training. This training included a valuable
 16 PowerPoint presentation on awareness of the dangers school personnel pose as potential child
 17 molesters, and included slides emphasizing that District employees had to “be on guard”
 18 regarding the behavior of their fellow District personnel, “even though they’re school
 19 employees who have gone through background checks.” In particular, one of the slides stated
 20 that 12 percent of *all* school-related molestation charges each year involved school bus drivers,
 21 even though they comprised a relatively small percentage of the total number of District
 22 employees. Another slide was entitled “Five-Step process” and discussed sexual grooming
 23 behaviors of which District employees needed to be aware. One of the steps consisted of
 24
 25
 26

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1 identifying a vulnerable child and engaging that child in peer-like involvement. Other steps
 2 identified by the slide were desensitizing the child to touch and isolating the child in out-of-
 3 sight spots.

4 53. Facts; Creation of Danger, Deliberate Indifference, and Lack of Training. But in
 5 an act of deliberate indifference toward the safety of children on school buses, the District and
 6 its top administrators, including Defendant Lahmann, chose against providing the valuable
 7 boundary invasion training to District bus drivers. The District specifically chose not to train
 8 its employees on the PowerPoint presentation or the information contained therein because it
 9 “felt people would reject some of the negativity of the message.” Instead, the District developed
 10 a one-page “pyramid” that lacked the specific and valuable information contained within the
 11 PowerPoint presentation, such as the risk of child molestation posed by certain groups of school
 12 personnel, and its plan was to train the District’s Transportation Director, Fred Stanley, on
 13 boundary invasions so that he could then implement a training for the bus drivers. But in another
 14 act of deliberate indifference toward the safety of children on school buses, Stanley and his
 15 assistant knowingly skipped the watered-down boundary invasion training, and it was never
 16 brought to the transportation department. Compounding matters, Lahmann failed to follow-up
 17 with the various departments to ensure that his trickle down plan was working, another act of
 18 deliberate indifference. The District failed to train its bus drivers on even this obtuse “pyramid”
 19 until after Shafer’s arrest. According to one veteran District bus driver, Dale Thompson,
 20 knowing that 12 percent of school personnel molesting children were bus drivers would have
 21 been useful because he otherwise “couldn’t imagine” and would not suspect a fellow bus driver
 22 of committing such an act.
 23
 24
 25

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1 54. Facts; Creation of Danger, Deliberate Indifference, and Lack of Training.

2 Similarly, the District adopted a “professional boundaries” policy in spring of 2010 but failed
 3 to advise bus drivers that any such policy existed. The policy’s stated purpose was to “provide
 4 all staff, students, volunteers and community members with information to increase their
 5 awareness of their role in protecting children from inappropriate conduct by adults.” The policy
 6 defined “[i]nappropriate boundaries” as “acts, omissions or patterns of behavior by a school
 7 employee that do not have an educational purpose and result in abuse.” It also provided, “All
 8 employees and volunteers will receive training on appropriate staff/student boundaries.” But
 9 like the earlier ignored training sessions on sexual molestation, District bus drivers never
 10 received these policies or procedures or any training on them before Shafer was arrested for
 11 sexual molestation.
 12

13 55. Facts; Creation of Danger, Deliberate Indifference, and Lack of Training. The
 14 District brushed aside the importance of training school employees on understanding that a
 15 molester’s best camouflage is a school district’s unwillingness to see him. This is particularly
 16 alarming in light of the research of leading commentators, who teach that accepting that
 17 molesters may lurk in our midst is crucial to preventing child abuse:
 18

19 Many educators do not believe that a colleague could sexually exploit a student.
 20 They believe that if such abuse happens, it happens in some other community
 21 and it is so rare and idiosyncratic that it does not warrant attention. Many believe
 22 that educators already know they should not have sexual relationships with
 23 students. Consequently, some are insulted when they are required to attend
 24 training on this issue. Unfortunately, it is just such attitudes that have created the
 25 educational climate that allows sexual abuse to continue.
 26

Shoop at 63. By failing to properly train employees, the District and the individually named
 defendants herein who were responsible for training drivers created a climate that allowed
 Shafer’s sexual abuse to continue.

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1 56. Facts; Creation of Danger, Deliberate Indifference, and Lack of Training. The
 2 District and its agents, including Defendants Stanley, Greer, and Lahmann acted with deliberate
 3 indifference toward the safety of its students, including P.H. and S.A., by failing to adequately
 4 train, monitor, or supervise bus drivers by ensuring that they all understood how to spot the
 5 signs of grooming behaviors, professional boundary invasions, or other red flags of sexual
 6 abuse.
 7

8 57. Facts; Creation of Danger, Deliberate Indifference, and Lack of Training. The
 9 District's employees did not receive crucial training on how to spot molesters. District
 10 administrators received "boundary invasion" training in the spring of 2010, which taught about
 11 the significant danger of school personnel molesting children and included statistics about the
 12 specific danger presented by bus drivers. Despite the considerable value in this training, as
 13 Defendant Lahmann acknowledged, District officials became deeply offended by the notion
 14 that District might include child predators. District officials thought that the presentation was
 15 "negative" and refused to train District employees on the subject of boundary invasions.
 16 Defendant Fred Stanley skipped the boundary training, and Defendant Lahmann did nothing to
 17 ensure that he was trained or brought the valuable boundary invasion information to the
 18 Transportation Department.
 19

20 58. Facts; Deliberate Indifference Toward the Welfare of Children. Despite clear
 21 evidence of significant sexual abuse by Shafer, the District has made little effort to locate and
 22 identify 30 or more other children who were sexually abused on its school buses. Plaintiffs
 23 P.H. and S.A. were among those identified by Shafer as victims, and yet the District and its
 24 agents, including Priddy, Lahmann, and Cvitanich, never disclosed the critical facts to law
 25 enforcement or the parents of these children who they knew were abuse victims.
 26

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1 59. Facts; Danger Creation, Deliberate Indifference, and Lack of Policies and
 2 Procedures. The District and its agents, including Defendants Stanley and Lahmann and
 3 Cvitanish, acted with deliberate indifference toward the safety of its students, including P.H.
 4 and S.A., by failing to promulgate, issue and enforce appropriate policies and procedures
 5 concerning ride alongs and reporting sexual abuse. Instead, as explained above, the defendants
 6 here did nothing to ensure that Shafer was riding along on school buses for legitimate, approved
 7 school purposes; did nothing to track his ride along behaviors; and did nothing to otherwise
 8 prohibit his unbridled access to groom and sexually abuse the District's most vulnerable
 9 population.

11 60. Facts; Proximate Cause and Danger Creation. Defendants Stanley, Greer, and
 12 Lahmann acted with deliberate indifference to the frequency in which Shafer was riding along
 13 on school buses without pay and without an official purpose, deliberate indifference to the risk
 14 that pedophiles posed to children on school buses generally, deliberate indifference to the red
 15 flags that Shafer was a threat to children, and deliberate indifference to ensuring that bus
 16 drivers were properly trained on how to spot molesters. As a result of this widespread and
 17 alarming deliberate indifference, these individual defendants created the danger that pedophiles
 18 like Shafer would have unrestricted access to sexually abuse minors on school buses, which
 19 here resulted in the sexual abuse of P.H. and S.A.

21 61. Damages. As the proximate result of the deliberate indifference to the health and
 22 safety of minor sexual abuse Plaintiffs P.H. and S.A., as set forth above, in violation of their
 23 Ninth and Fourteenth Amendment rights and Washington law, Plaintiffs suffered from mental
 24 anguish and severe emotional distress. Plaintiffs P.H. and S.A. also suffered damages from
 25 being denied the benefits of an education as provided by 20 .S.C. § 1681, *et seq.* The minor

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sexual abuse victims' parents also suffered damages to the parent-child relationship under Washington common law.

62. Punitive Damages. Defendants acted with callous indifference and with reckless disregard of Plaintiffs' constitutional rights.

V. CAUSES OF ACTION

COUNT I
VIOLATION OF CIVIL RIGHTS
AS TO STANLEY, GREER, LAHMANN, CVITANICH AND PRIDDY
(42 U.S.C. § 1983)

63. Civil Rights Violation. Based on the paragraphs set forth and alleged above, Defendants Stanley, Greer, Lahmann, Cvitanich, and Priddy are liable for compensatory and punitive damages for their creation of an actual, particularized danger that Plaintiffs P.H. and S.A. would be sexually abused by Shafer, done in deliberate indifference toward the safety and wellbeing of P.H. and S.A., including these defendants' failure to protect the minor plaintiffs from sexual abuse and exploitation by a serial pedophile while they were riding a school bus to and from school, and for these defendants' deliberate indifference toward identifying them as sexual abuse victims and reporting the abuse to authorities and to the victims' parents, all done in violation of the Ninth and Fourteenth Amendments and 42 USC § 1983.

COUNT II
VIOLATION OF CIVIL RIGHTS - *MONELL*
AS TO THE DISTRICT
(42 .S.C. § 1983)

64. Civil Rights Violation. Based on the paragraphs set forth and alleged above, the District is liable for compensatory and punitive damages for its actions in failing to promulgate, issue, and enforce appropriate procedures and policies concerning (1) the reporting of known or suspected sexual abuse of P.H. and S.A., and (2) the safe transport of its students including

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P.H. and S.A., who both suffered sexual abuse and exploitation as a direct and proximate result of the District's failures and as a result of deliberate indifference to their wellbeing and safety, as well as for its actions in failing to adequately train, monitor, or supervise its drivers to ensure the safe transport of its students, including P.H. and S.A., all in violation of the Ninth and Fourteenth Amendments and 42 USC § 1983.

**COUNT III
VIOLATION OF TITLE IX
AS TO DEFENDANT OLYMPIA SCHOOL DISTRICT
(20 .S.C. § 1681, *et seq.*)**

65. Title IX. Based on the paragraphs set forth and alleged above, the District is liable for compensatory and punitive damages for its actions in creating and/or subjugating Plaintiffs P.H. and S.A. to a hostile educational environment in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a) ("Title IX"), when the District and its officials had actual knowledge of the sexual assaults of P.H. and S.A. created by its failure to supervise Gary Shafer and protect children, and when the District and its officials failed to take immediate, effective remedial steps to resolve the sexual harassment and instead acted with deliberate indifference toward Plaintiffs P.H. and S.A. and other similarly situated students, the result of which was to exclude Plaintiffs from participation in, being denied the benefits of, and being subjected to discrimination in the District's education program in violation of Title IX.

**COUNT IV
COMMON LAW NEGLIGENCE
AS TO ALL DEFENDANTS
(Washington Common Law)**

66. Negligence. Based on the paragraphs set forth and alleged above, the District's conduct constituted all forms of common law negligence, or alternatively gross negligence, including negligent training, retention, and supervision of Gary Shafer, and the District is liable

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for damages proximately caused by its negligent, or alternatively, gross negligent, acts and omissions as provided in more detail above.

COUNT V
NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS
AS TO ALL DEFENDANTS
(Washington Common Law)

67. Negligent Infliction of Emotional Distress. Based on the paragraphs set forth and alleged above, the District's conduct constituted negligent infliction of emotional distress, and the District is liable for damages proximately caused as a result.

**COUNT VI
OUTRAGE
AS TO ALL DEFENDANTS
(Washington Common Law)**

68. Outrage. Based on the paragraphs set forth and alleged above, the District and its agents intentionally and/or recklessly caused severe emotional distress to Plaintiffs due to its extreme and outrageous conduct, as more fully described above, that went beyond all possible bounds of decency and can only be regarded as atrocious and utterly intolerable in a civilized community, constituting the tort of outrage for which the District is now liable.

COUNT VII
LOSS OF CONSORTIUM
AS TO ALL DEFENDANT
(Washington Common Law)

69. Loss of Consortium. Based on the paragraphs set forth and alleged above, the District's tortious conduct caused Plaintiffs W.H., J.H., and B.M. to suffer damage to the relationships with their respective minor daughters, a recoverable damage under Washington law.

VI. RESERVATION OF RIGHTS

70. Reservation of Rights. Plaintiffs reserve the right to assert additional claims as may be appropriate following further investigation and discovery.

VII. JURY DEMAND

71. Jury Demand. Under the Federal Rules of Civil Procedure, Plaintiffs demand that this action be tried before a jury.

VIII. PRAYER FOR RELIEF

72. Relief. Plaintiff respectfully requests the following relief:

- A. That the Court award Plaintiff appropriate relief, to include all special and general damages established at trial;
- B. That the Court impose punitive damages under any provision of law under which punitive damages may be imposed;
- C. That the Court award costs, reasonable attorneys' fees, and statutory interest under any applicable law or ground in equity, including 42 U.S.C. § 1988 and all other applicable bases for an award of attorneys' fees and litigation costs;
- D. That the Court award pre-judgment interest on items of special damages;
- E. That the Court award post-judgment interest;
- F. That the Court award Plaintiff such other, favorable relief as may be available and appropriate under law or at equity; and
- G. That the Court enter such other and further relief as the Court may deem just and proper.

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Respectfully submitted,

Dated: April 8, 2016

By: /s/ Darrell L. Cochran
One of Plaintiffs' Attorneys

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